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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 WILLIAM MCKOBY,

11 Plaintiff,

12 v.

13 GLEN POST – CENTURLINK, et al.,

14 Defendants.
15

Case No. C17-1517 RSM

ORDER RE: RESPONSE TO ORDER TO
SHOW CAUSE AND MOTION TO
RECUSE

16 *Pro se* Plaintiff William McKoby has been granted leave to proceed *in forma pauperis*
17 in this matter. Dkt. #3. The Complaint was posted on the docket on October 17, 2017. Dkt.
18 #4. Summonses have not yet been issued. On October 18, 2017, the Court issued an Order to
19 Show Cause directing Plaintiff to write a short and plain statement telling the Court (1) the
20 separate causes of action upon which his claims are based, (2) how Defendants violated each of
21 those laws causing harm to Plaintiff, (3) why this Court has jurisdiction over these claims, (4)
22 why these claims are not duplicative of the underlying state court action, and (5) why this case
23 should not be dismissed as frivolous. Dkt. #5 at 3–4. Plaintiff has until November 8, 2017, to
24 respond.
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27 On October 23 and 25, 2017, Plaintiff filed two apparently identical Responses. Dkts.
28 #6 and #7 (“Show Cause Response”). The Court believes that one was hand delivered and one

1 was mailed to the Court. These Responses do not provide the above requested details. Instead,
2 Plaintiff states only that Defendant is guilty of violating certain federal statutes and moves to
3 seek depositions to perpetuate testimony. Plaintiff also filed an “Affidavit of Prejudice” stating
4 the following: “[t]he above Plaintiff ‘believes’ I may not gain a fair hearing or trial under Judge
5 RS MARTINEZ and therefore file affidavit of prejudice.” Dkt. #6 at 2; Dkt. #7 at 2. Plaintiff
6 provides no other facts or argument on this issue.
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8 The Court will interpret Plaintiff’s filings as moving for recusal. Under this Court’s
9 Local Rules, this motion is first reviewed by the challenged Judge and then referred to another
10 judge for review. Pursuant to 28 U.S.C. § 455(a), a judge of the United States shall disqualify
11 himself in any proceeding in which his impartiality “might reasonably be questioned.” Federal
12 judges also shall disqualify themselves in circumstances where they have a personal bias or
13 prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning
14 the proceeding. 28 U.S.C. § 455(b)(1).
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16 The Court finds that Plaintiff provides no factual basis whatsoever for recusal. The
17 Court will thus deny Plaintiff’s request.
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19 Accordingly the Court hereby finds and ORDERS:

- 20 1. Plaintiff’s Affidavit of Prejudice, interpreted as a Motion for Recusal, is
21 DENIED.
- 22 2. In accordance with LCR 3(e), this Order is referred to the Honorable Ronald B.
23 Leighton, the senior active judge in this District, for review of this decision.
- 24 3. Plaintiff’s Response to this Court’s Order to Show Cause is inadequate.
25 Plaintiff is permitted to file one additional Response to the Court’s Order by
26 November 8, 2017.
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1 4. The Clerk is directed to provide copies of this Order to U.S. District Judge
2 Ronald B. Leighton and Plaintiff.

3 The Clerk shall send a copy of this Order to Plaintiff at PO BOX 16056, SEATTLE,
4 WA 98116-0056.

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7 DATED this 27th day of October 2017.

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10 RICARDO S. MARTINEZ
11 CHIEF UNITED STATES DISTRICT JUDGE
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